

***Local Government & Housing
Committee***

HB 1934

Brief Description: *Providing a shoreline management master program development or amendment schedule.*

Sponsors: *Representatives Linville, Barlean, Doumit, Ericksen, Dunshee, Keiser, Lovick, Ogden, Marine, O'Brien, Edmonds, Santos, McIntire, Kenney, Pearson and Schual-Berke; by request of Governor Locke.*

Brief Summary of Bill

- *Replaces the 24-month schedule for review and amendment of shoreline master programs with a 36-48-60 month schedule for compliance with the shorelines master program guidelines adopted before December 31, 2000.*
- *Maintains the 24-month master program review and amendment process based on guidelines adopted at other times.*
- *Eliminates the limitation on state grants based on matching funds from the receiving jurisdiction.*

Hearing Date: *2/14/01*

Staff: *Caroleen Dineen (786-7156).*

Background:

The Shoreline Management Act (SMA) governs all "shorelines of the state," including both "shorelines" and "shorelines of state-wide significance." Shorelines include all water areas, including reservoirs, and their associated "shorelands" except: (1) shorelines of statewide significance [separately defined to include specific shoreline areas identified in statute]; (2) shorelines on segments of streams upstream of a point at which the mean annual flow is less than or equal to 20 cubic feet per second (cfs); and (3) shorelines on lakes fewer than 20 acres in size. Shorelands include the lands extending landward 200

feet in all directions from the ordinary high water mark as well as floodways and contiguous floodplain areas landward 200 feet from the floodways. Shorelands also include all wetlands and river deltas associated with streams, lakes and tidal waters subject to the SMA.

The SMA requires counties and cities with shorelines of the state to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce those master programs within their jurisdictions. All 39 counties and more than 200 cities have enacted master programs.

The SMA also requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing these local shoreline master programs. The DOE must provide an opportunity for local governments and others to comment on the proposed guidelines and must hold public hearings before the proposed guidelines are adopted. The DOE may propose amendments to the guidelines no more than once per year and must review the guidelines at least once every five years.

Local governments must develop or amend shoreline master programs consistent with the DOE guidelines within 24 months after the DOE guidelines are adopted. The DOE considers the adopted guidelines and SMA requirements when reviewing and approving local shoreline master programs.

The Growth Management Act (GMA) requires a county and its cities to plan if the county meets certain population and growth criteria. Counties not meeting these criteria may choose to plan under the GMA. Currently 29 of the 39 counties plan under RCW 36.70A.040. The other 10 counties, while not required to plan under all GMA requirements, must still satisfy certain requirements, including identification and protection of critical areas and to designation of natural resource lands.

Counties planning under RCW 36.70A.040 must meet numerous requirements, including designation of urban growth areas and adoption of comprehensive plans and implementing development regulations. Legislation enacted in 1995 required GMA jurisdictions to include their shoreline master programs as elements of their GMA comprehensive plans.

Adoption or amendment of SMA master programs are appealed to the growth management hearings boards for jurisdictions planning under RCW 36.70A.040 and to the shorelines hearings boards for jurisdictions not planning under RCW 36.70A.040.

The DOE adopted new guidelines in November 2000.

Summary of Bill:

For all guidelines adopted by the Department of Ecology (DOE) before December 31, 2000, a schedule is specified for development or amendment of shoreline master programs to comply with the guidelines. The schedule establishes development or amendment deadlines, based on the date the guidelines were adopted, for jurisdictions with shorelines of the state as follows:

- *36 months for King, Snohomish, Pierce, Clark, and Kitsap Counties and their cities;*
- *48 months for Thurston, Whatcom, Benton, Yakima, Skagit, Cowlitz, Clallam, Chelan, Mason, Lewis, Jefferson, and Okanogan Counties and their cities; and*
- *60 months for all other counties and their cities.*

The 24-month development and amendment deadline is retained for master programs based on guidelines adopted at any other time.

Appropriation: *None.*

Fiscal Note: *Requested on February 13, 2001.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*